

Docket No. 61152-A/JPW/AJM/HA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Saul J. Silverstein et al.
Serial No. : 09/769,699
Filed : January 25, 2001
For : VZV ORF29p PROTEIN-RELATED COMPOSITIONS AND METHODS

1185 Avenue of the Americas
New York, New York 10036
April 15, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

**COMMUNICATION IN RESPONSE TO JANUARY 14, 2002 NOTICE TO COMPLY
WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES AND PETITION FOR
A ONE-MONTH EXTENSION OF TIME**

This Communication is submitted in response to a Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures issued by the U.S. Patent and Trademark Office on January 14, 2002 in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. A response to the January 14, 2002 Notice was originally due March 14, 2002. Applicants hereby request a one-month extension of time from March 14, 2002 to April 14, 2002 for filing a response. The fee for a one-month extension of time for a small entity is \$55.00 and a check for this amount is enclosed. Since April 14, 2002 falls on a Sunday, a response filed on the next business day, i.e. Monday, April 15, 2002, shall be considered timely. Accordingly, this Communication is being timely filed.

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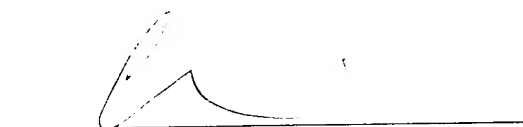
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Page 2

In response to the Notice, applicants submit a Sequence Listing attached hereto as **Exhibit B** in compliance with the requirements of §§1.821-1.825. In addition, applicants submit herewith the Sequence Listing on the enclosed computer diskette. Moreover, applicants submit as **Exhibit C** a Statement In Accordance With 37 C.F.R. §1.821(f) certifying that the sequence information on the computer readable form and paper copy is the same.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

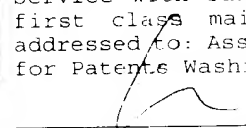
No fee, other than the enclosed \$55.00 for a one-month extension of time, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231.



Alan J. Morrison Date 1/26/02
Reg. No. 37,399



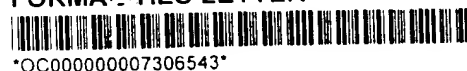
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/769,699	01/25/2001	Saul J. Silverstein	61152-A/JPW/AJM

CONFIRMATION NO. 5342

FORMALITIES LETTER



OC000000007306543

Cooper & Dunham LLP
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Date Mailed: 01/14/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

nlw

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE